

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERICA VASCONCELLOES as Administratrix of the Estate of
Dashawn Vasconcellos, deceased and ERICA
VASCONCELLOS, individually,

Plaintiffs, **NOTICE OF MOTION FOR
SUMMARY JUDGMENT
PURSUANT TO FED. R.
CIV. P. 56**

-against-

THE CITY OF NEW YORK, SERGEANT JOSEPH
CRUZADO, Sh. #11022 DET. RAFAEL RAMOS, Sh. #
6794, DET. DONNELL MYERS, Sh. #10314, SERGEANT
RICHARD ZACARESE, Sh.#1818, & POLICE OFFICER
JOHN DOE 1-10,

12 Civ. 8445 (CM)(HBP)

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Assistant
Corporation Counsel Richard K. Weingarten, dated July 17, 2015, and the exhibits annexed
thereto; Defendants' Statement of Undisputed Facts pursuant to Local Rule 56.1; the
accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment;
and upon all prior pleadings and proceedings had herein, defendants City of New York, Sergeant
Cruzado, Detective Ramos, Detective Myers, and Lieutenant Zacarese will move this Court
before the Honorable Colleen McMahon, United States District Judge, at the United States
Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New
York 10007, on a date to be determined by the Court, for an order pursuant to Rule 56 of the
Federal Rules of Civil Procedure dismissing the Amended Complaint against the defendants,
together with such other relief as this Court deems just proper.

PLEASE TAKE FURTHER NOTICE that plaintiff is to serve his opposition
papers on the undersigned on or before July 31, 2015;

PLEASE TAKE FURTHER NOTICE that the moving defendants are to serve their reply papers on or before August 7, 2015.

Dated: New York, New York
July 17, 2015

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
*Attorney for Defendant City of New York, Sergeant
Cruzado, Detective Ramos, Detective Myers, and
Lieutenant Zaccarese*
100 Church Street, Room 3-188
New York, New York 10007
(212) 356-2356

By: /s/
Richard Weingarten
Assistant Corporation Counsel
Special Federal Litigation

To: **BY ECF and MAIL**
Michael Colihan, Esq.
Attorney for *Plaintiff*
44 Court Street, Suite 906
Brooklyn, New York 11201

DECLARATION OF SERVICE BY MAIL

I, Richard Weingarten, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on July 17, 2015 I served the annexed NOTICE OF MOTION, RULE 56.1 STATEMENT, DECLARATION OF RICHARD WEINGARTEN, upon the following plaintiff by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to said counsel of record at the address set forth below, being the address designated by plaintiff for that purpose:

Michael Colihan, Esq.
Attorney for *Plaintiff*
44 Court Street, Suite 906
Brooklyn, New York 11201

Dated: New York, New York
July 17, 2015



RICHARD WEINGARTEN
ASSISTANT CORPORATION COUNSEL